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Letters to a young lawyer



"THERE WAS BEN DRIVING BY IN HIS LITTLE OLD RICKETY WAGON. WITH THE TRUNK, AND ON THE SEAT BESIDE HIM WAS THE OFFICE BOY THAT WORKED FOR LAWYER BLOOM." - - Page 21



LETTERS
TO
A YOUNG LAWYER

BY
ARTHUR M. HARRIS
OF THE SEATTLE BAR

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LETTERS TO A YOUNG LAWYER

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From the Estate of
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ILLUSTRATION

BY LEE WOODWARD ZEIGLER

"THERE WAS BEN DRIVING BY IN HIS LITTLE OLD
RICKETY WAGON, WITH THE TRUNK, AND ON THE
SEAT BESIDE HIM WAS THE OFFICE BOY THAT
WORKED FOR LAWYER BLOOM." - - FRONTISPICE

A PERSONAL NOTE

DEAR BOY:

One of your friends told me the other day that you are collecting in book form some of the random epistles your daddy wrote you in the period of your legal incubation. Well, I trust that you will not be found too presumptuous in supposing that young lawyers generally will value as much as you seem to those discursive disquisitions of mine.

Perhaps the letters should have dealt technically with some of the great principles of law and practice. On second thought, however, it was fit, I think, to say what I have said; to speak of the things of remembrance—my adventures in the law—leaving the strong meat of the word

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within the calf-bound covers which fill your office shelves.

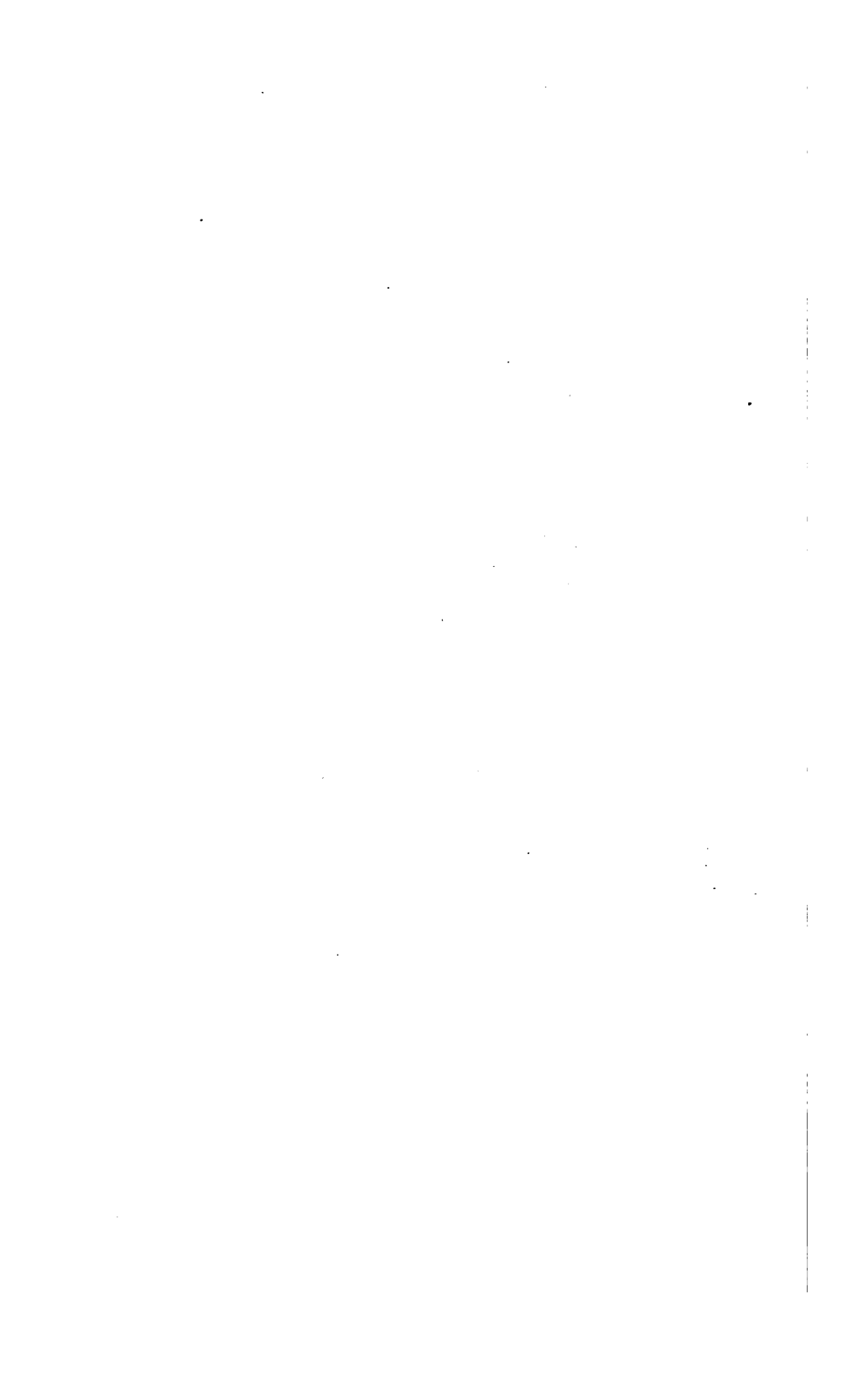
You are beginning to practice, my boy, in times critical for your profession. The economic restlessness, which expresses itself in the advocacy of revolutionary changes in general legislation, beats every day more violently against the time-worn doors of the ancient temple of the law; beneath the seat of Justice there is the increasing roar of popular discontent—a complaint in part just, in greater part but the incitement of demagoguery. Lovers of real progress expect you, as a lawyer, to be broad without being undyked and wise without guile, conscientiously and fearlessly seeking the essential truth beneath, and by your lips and your life preserving the fruit and flower of the

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long centuries of the common law. If in the letters you can discern the features of this kind of a lawyer, my portraiture will not have been in vain.

I have personally often admonished you not to worship the clay-footed idol of Success; the kind of success, I mean, which is simply the multiplication of inches of dollars. In my written words you will find no secret for making big money in your profession; big money, that is, which cannot be made without big moral risk, but, rather, the success which I have preached to you as worthy is the kind which enables you with fine inward calm to look unshrinkingly into the searching eye of To-morrow.


YOUR FATHER.



Letters to a young lawyer

Letters to a young lawyer

LETTER I

OUR mother and Peggy are leaving here in a few days to attend your graduation exercises. I am sorry that I cannot accompany them, but Martin's case will be heard in the federal court on that date, and postponement is almost impossible. You will remember that is the case which you assisted me in briefing last winter. You labored nobly for the success of the cause, but I found on looking over your citations that some of them bore as much relationship to the actual issue in this case as a pair of handcuffs

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do to a finger ring. I am not scolding. I want you to feel on your graduation from law school that your legal education in many respects is but beginning, instead of being completed. Remember, son, it takes a bricklayer five years to get his master's ticket, and I don't want you to think that three years in a law school suffices to master either the technique or the theory of the law.

I am not attempting to disparage the law school. I think, on the whole, it has been an advantage for you to attend one. When I finished the A. B. course at Hotchkins—now some few years ago—there was no law school for me to graduate to; in fact, at that time, there were but one or two law schools in the United States, and their courses were brief and pretty

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crude. Those were the days when many of the old-time lawyers were writing their pleadings in longhand. A man then could not sit down and rattle off a complaint on the typewriter, or recline in a swivel chair and dictate his pleadings to a stenographer. Still, the old system had its advantages and its triumphs, and some grand men honored and adorned it.

I am glad that you were able to attend law school; but, for all that, I don't want you to come away with the idea that you are infinitely superior to the office-bred lawyer. By an office-bred lawyer, I mean one who goes to work in a law office and does his studying under the direction of his employer. Broadly speaking, this is still the English method of making lawyers, and you know that the courts

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of this country lend a very willing and attentive ear to the decisions of the men who are made under this system. In England, a young man is articled to a solicitor for a number of years, usually five. He employs himself in the office, reads law as prescribed, and takes periodic examinations given by the local bar association—usually a county institution. The practical and immediate benefit of this system of legal training is that, on his admission to the bar, the young lawyer is familiar with the everyday routine of the courts. He knows how to get his pleadings into court, and understands pretty well how to steer his cause through the many devious shoals and shallows that threaten to strand even the best case before it arrives in the snug harbor of decision and judg-

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ment. He can do this and does not have to ask the clerk, the bailiff, or the nearest attorney where and how he shall file certain papers. In the law school for some reason or other, while you may have had an excellent Moot Court, still, when you have first opened your office and a man rushes in hollering for an attachment or a garnishment or some other immediate legal action, you will suffer a sensation that is cousin-german to heart failure. Why? Because, although you have a pretty fair understanding of the meaning of those terms, you have never yet actually and really attached a merchant's stock or garnished the wages of a real live working man. That is where that rude rough boy that went through Jennings' office and got his law between

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two spoons of soup has the advantage. Of course, you will get that knowledge yourself in due time, but I have seen some horrible messes made during the period of incubation.

You personally will be all right because you have obtained that experience in my office; but, if you had not had a lawyer for a father, I would have advised you to spend your odd time while at school in running errands for some practicing attorney.

Look at Tom Wilkins. Tom came to me from a law school, when you were still a kidling, uncertain whether your life vocation was to be that of a policeman's, a field marshal's or a pirate's. Wilkins was a good bright boy and has since achieved as much success as a man in our profession may reasonably expect. One after-

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noon, when I returned from court, I found Wilkins immersed in a sea of volumes and looking as perplexed as a girl with two desirable suitors. When I soothed him into coherency, I found that old Ben, the colored janitor, had been in about a trunk some colored lady was threatening to hold for rent, and poor Wilkins was looking in the encyclopedia for a way of salvation for Ben's impedimenta. While he was talking, I looked out of the window, and there was Ben driving by in his little old rickety wagon, with the trunk, and on the seat beside him was the office boy that worked for Lawyer Bloom. I spared Tom the sight, as he was a sensitive sort of a chap, and I did not want to discourage him, for I knew he had the insides of a good man.

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Dean Maple told me on his visit here last summer that he runs a little informal postgraduate course for the young Marshalls he has licensed to practice. He tells me that it is a quiet day in his office at the law school if he is not called up at least half a dozen times by the boys down town, looking for information that he thought he had drilled into their heads when they were freshmen in the law school. Some of those questions are certainly funny. The point is that most of the inquiries that are hurled over the telephone with voices of the greatest anxiety and concern do not involve any legal question at all, but are things the use of a little common or garden reasoning would have solved.

I am not prepared to say that the

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law is entirely a matter of common sense. I do not hesitate to say, though, that, underlying every decision that successfully stands the fire of a generation of lawyers, there is a good, substantial stratum of common sense. Lawyers we must have, for the decisions of the country have accumulated and reached so great a volume that we must have trained men to search them out and apply them to a given set of facts. In the ordinary business that comes to a young lawyer's office, however, if he will first determine what is right between man and man and what in reason is the speediest and cheapest way of securing those rights, the young practitioner will not greatly err. I do not think that, of the cases you will get your first year, many of them will

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run much over a hundred thousand dollars.

I must not run on in this strain too long, or you will accuse me of preaching.

LETTER II



I MUST first congratulate you very heartily on winning the Blackstone prize for the best thesis. News of that kind, you know, makes your father feel that perhaps all the money spent on your education had not been wasted. It shows me, too, that you have done some work; how much, I will not venture to compute, but there is a *prima facie* case that you did some. I have quietly observed one way and another that a law school is a place where you can do a lot of work, and also a place where a man can slide through pretty easily if he will. Last fall when I called on you at your chapter house, I found one

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young man with his feet on the mantelpiece reading one of Mr. Chambers' stories, probably as a relaxation from the severe mental labor occasioned by his too strenuous devotion to his law studies. The rest of the young men, so my friend of the light literature informed me, were upstairs in their rooms studying. It was a rather warm afternoon, and the world of outdoors looked pretty inviting, so I mentally gave the studious youths cloistered in their bedrooms great credit for their industry. While we were talking, waiting for you to come—you were at the law library, you remember telling me—the telephone bell rang, and my friend went to the foot of the stairs and called up for one of the diligent students. He called once loud; he called twice

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very loud. No response. With a rather quizzical glance at me, he turned and went upstairs. There was a slight bustle, strangely suggestive of a man being dragged from a bed, while a voice rose in querulous complaint, "Aw, can't you let a fellow sleep?" A few seconds later a tousled-haired youth stamped heavily down to the telephone, muffled in a bath robe. From the snorts, sneezes, and giggles that came from the telephone later, I judged that he was not talking to one of the law professors.

Now I am not saying that some of your good brethren were not studying, and if they were snoozing, why, that is all right. The afternoon siesta is a well-tried and approved custom and has been in vogue in Latin countries for many centuries. It has the

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disadvantage, though, like many other good things, of creeping on a man as a habit, and gentlemen, who have indulged too strongly in the postprandial nap at school, often unconsciously relapse into it in their offices. Poverty is a good thing for a young lawyer if it prevents him the luxury of an office couch.

There is one thing I cannot scold you about in your college career ; you have not been a grind. Your mother and Aunt Emily were very much concerned at one time that you would take your work too seriously and that by too diligent application to the books you would make yourself ill. I didn't take the trouble to allay their fears, as I knew you were looking after that end of the proposition very

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nicely. Mother was much relieved when you came home at Christmas without the pale, spiritual look of a studious anchorite. I didn't say anything, but your appearance suggested that you got plenty of relaxation. Well, I would rather give you spending money than pay doctor's bills.

Now the college grind is the recipient of a whole lot of abuse, some of which is merited and some of which is a gratuitous and unsolicited insult. I have observed, my son, that the grind is just a creature who has become habituated to work. Without his books he would be positively unhappy, and, mark me, he has a habit of work which he will carry into the world, and which will insure him, if not a long life, at least a full one, and

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that, as I have told you on divers and sundry occasions, is your father's idea of living.

We had a fellow at Hotchkins who was in the grind category. He was studying to be a teacher. I got to know him pretty well one way and another, and a more charming fellow I have seldom met. I learned, directly and indirectly, that the poor chap's eyes had gone back on him during his school course, and he had to have a friend come and read the lessons to him for two bits an hour. To pay for this and his other expenses, he was compelled to run around town with a patent carpet sweeper, cleaning carpets. This was not all, for, besides supporting himself, he was helping his sister through the state normal school. Right then I decided

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that, if you scratch a grind, you will often make a hero bleed. The grinds I have met have usually been big-boned, big-handed chaps who did not have to look in the dictionary for the meaning of the word "chores." More than one of the species has gone into first-class law offices from the reputation he made at school.

Now, my boy, I want to say that I have been mightily pleased with your whole conduct at school. This is in the nature of an unsolicited testimonial which you may use for publication or not. In witness whereof I am enclosing a small check, large enough, however, to enable you to bid a fitting adieu to academic scenes and companions. I thought it was very fine of you to lay aside athletics, except in a minor key, when you graduated to the

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law department. You showed good common sense in paying more attention to debate and public speaking. When I heard you in the Rochester debate, I was very well pleased. I did not flatter myself that another Webster was come to triumph, but I was glad to see you get your words out without a cross between a sneeze and strangulation of the windpipe at every period. There is an opinion, and I have heard it even from professors of public speaking, that eloquence has but little place at the bar. This is entirely wrong. There may, it is true, be fewer occasions for plucking the bird of Freedom, and rhetorically waving the good old stars and stripes around your engloried head, but there never was a greater need than now for eloquence in its

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purest and most noble form at the bar.

You have only to think how closely the courts are interwoven with the everyday affairs of the people, how potent with consequences is even the shortest decision, to realize what a need there is for the clear-seeing and clear-speaking man. Some of the most enduring orations, as your old Latin books will show, were made in matters of law. Eloquence is the forcible expression of truth, and as such should be sedulously sought after and wooed by the legal practitioner. Many, who say that the bar is no field for eloquence, are men whose vocabularies are limited to the small affairs of every day and who drone through their cases in court over a rickety chain of "ahs" and "ehs." As to the

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matter of debate, you will appreciate what training you have obtained in this line when some little fire-eating ferret of a lawyer has you on the grill before an interested judge and an amused jury, and spends half of his time trying his case and the other half abusing you. Remember, a lawsuit is a fight, and the quick-thinking, accurately-speaking and level-headed man is the one who will win, and without resorting to mayhem to do it, either.

LETTER III



SEE that your graduating class is going to number about fifty young fellows. When you remember that hundreds of other law schools all over the country will disgorge as many as your school, if not more, you can see that there is not going to be a dearth of legal advice in this country, for a while at any rate.

Now I am not going to say that we shall have more lawyers than we need, or that all these young men are following the wrong line in rushing into this business. Still it seems a pity, when so much of this broad land is crying for brains and industry to come and develop its hidden treas-

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ures, and where there is room and a good substantial living in developing our mineral and agricultural resources, that youngsters should flock into a game which they can't beat for years and which assures them at best only a very ordinary living.

I blame the good times, partly, for the great increase in the number of men following all the professions. It is easier now than it was some years ago for a man to scratch through school and get his license to tinker up bodies or patch up injured rights. If things were to pinch up hard, something like the memorable times of '93, you would see a marked falling off in the number of students attending college and in the number of professional graduates. Necessity will simply drag them back and keep them on

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the farm. It will not be a question of how nicely and smoothly and genteelly (horrible word, that last) I can get through life, but where can I get something to eat. In the end this would be better for everybody.

The Log-Cabin-to-White-House style of book, too, is responsible for lots of young lawyers. Lawmaking in this Republic seems to have gravitated into the hands of the law expositors; consequently every young Blackstone thinks he will have the Presidential chair under his wing if he can but get admitted to the Bar. He is doomed to have an interesting time finding out what the relation of law and politics is. He frequently winds up as a member of some Good Government League at two dollars per annum and a semi-annual lunch.

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That is all right. Every citizen should help the cause of good government. But what a curious fact it is that the total membership of such bodies is almost entirely composed of young lawyers! Why this feverish thirst for reform that burns unquenchably in the young lawyer's bosom? Truly, a visitor from Mars would think the followers of the legal profession were the only patriots in the country; but the wise old practitioner allows the upper lid of his left eye to drop slyly and coily down upon the under lid. He knows; for, like the measles, he has had it, too. Those members of reform bodies who are not lawyers are young doctors, so, if there is any credit due for super-patriotism, we must include our

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learned brothers of the scalpel and lancet.

I have known lots—yes, I use the term advisedly—lots of young fellows who graduated into the different law schools from their A. B. courses just because they did not like to break off with dear old Alma Mater and had the means to keep up the giddy whirl a while longer. Taking academic courses, with some fellows, has developed into a harmless but rather expensive mania. At Hotchkins we had a nice bright sort of a chap who took just eight years to get his bachelor's degree in arts. Jim simply hated the idea of leaving the campus. He had become an institution himself, like the cane rush or the plug hat fight on Junior Day. He was an ora-

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cle on all traditions, ancient and modern, and was generally supposed to have been on familiar terms with some of the first graduates of the old school. Poor Jim was the most depressed chap I ever saw when they finally ran him to earth and tagged him "A. B." He explained to me that life seemed to hold forth no hope; that there was nothing useful he could do any more to help his fellow men. What would become of the traditions? What would befall the unwritten history of the school, when his faithful and receptive breast should no longer bear it around Jennings Field or on the Lilac Walk? Who would fill his particular niche with the girls; with the honor societies; with the old grads who were

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wont to come to see the campus, but really came to swap yarns with Jim? I agreed with him that the outlook was certainly gloomy, and that he had been unduly rash in crowding his course into eight short years. Now if we had had a graduate school of any kind in those days, old Jim would have crowded right in for another three years of anything—Pharmacy, Medicine, Dentistry or Law.

Out of your class of fifty chaps, you will probably not have one born lawyer. You will have several men like yourself—raised as it were in the law atmosphere and with a good bias towards the law, and all of such men will be successful lawyers. But that peculiar genius for the law, the clear, penetrating insight into underlying

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principles, the readiness and ability to expound what the clear mind sees—that nature is found but seldom; and when it does exist, it usually makes the man more of a law student than a practitioner. This was the rare and infrequent type to which Blackstone belonged. I often think with great interest of the young Blackstone hard at work in his chambers in Temple Court, while upstairs lovable Goldsmith and his boon companions could be heard with wit and laughter passing the evening—and the flowing bowl. Goldsmith upstairs and Blackstone downstairs; neither probably having much to say to the other, but both, in their own ways, perpetuating their names and forever adorning the noble field of English letters.

Now I said you were not the born

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lawyer. I will not quite so rashly put myself on record. It is possible that in the quietness of your post-collegiate life you will some day be reading the old decisions and the old texts, and a sudden realization may come of the wonder, the magnitude, the glory, the mystery, and the grandeur of English law. You will begin to read with a new feeling, a new interest. You may have set yourself down a legal hack, looking for crannies and loopholes to gain a catch-penny advantage of your opponent, and may rise a philosopher, an Austin, a Blackstone. I shall esteem you more in that event than if you were making fifty thousand dollars a year in active practice, because the work of an Austin shall live and must live when the myriad names of trumpet-toned crim-

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inal lawyers shall have ebbed into what Carlyle fittingly calls the "Eternal Silences."

I have an unsatisfactory feeling that I have been indulging in day dreams. Well, I won't insist on your being a philosopher—a legal philosopher. I shall be quite content if you are an honest and upright lawyer, who has an old-fashioned regard for the worth of his word.

LETTER IV

 YOU do not want to feel discouraged at the number of competitors you will have in your line of activity.

What I said in my last letter was by way of inquiring into the reasons young men have for making the law their life's occupation. You will not find lawyers quite as thick as you think. At any rate, the young doctor and the young dentist find themselves pretty much in the same box; so, if there is any consolation in the companionship of misery, your troubles will be much alleviated. The only thing that has no competition is hard work, both of body and brain. In the law business, like all other profes-

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sions, my son, you can either work very hard or you can scrape along, putting off all things until to-morrow, and being rewarded with a slim diet and plenty of time for sleep. It is this opportunity for shirking that drives lots of chaps into the professions. If a teamster or a day laborer were to loaf as much as do the young—and some old—professional men, he would be arrested for vagrancy. Lots of young lawyers are no better than vagrants, yet they cannot be arrested for having no visible means of support, for the reason that they can point with great dignity to their diploma and explain that they are waiting. So, while the teamster who loafs is universally condemned, the young professional man who emulates the lilies in their indifference to labor of

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all kinds is considered something of a hero. He has trained the world to think of him as a doggedly persistent youth, who prefers to eat a crust of bread and cling to his chosen profession, rather than to have a porter-house steak for breakfast at the price of ringing a time clock every morning at eight o'clock.

Not all the men who graduate with you will practice law. In fact, I venture to prophesy that ten years from now not more than three per cent. of your class will be found in active practice. Tom Wilkins told me some interesting things about his class. It appears that lawyers are to be found in almost every kind of activity. One of his classmates was a street car conductor, another was working for three dollars a day as a carpenter,

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three were bank clerks, two had become book agents, another was collecting telephone rentals for a public service corporation, and another was keeping in touch, rather remotely, with his profession by becoming a policeman. Less than three per cent. were actively practicing law. Some few had gone into law offices as clerks and were working for twenty-five dollars a month—and experience.

Older lawyers refuse to become alarmed at an invasion of their territory by new blood. At least, they assume faces of stoical indifference and pretend to welcome the newcomer on the ground that "more lawyers, more law business"—that the new lawyer, in other words, makes business. Well, it is a fact that there usually must be two lawyers to a lawsuit; but

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unless a young man is going out to maintain a campaign of champerty and barratry, I do not know that the arrival of a new lawyer will help things very much.

Eureka was one of those sleepy little mid-Western towns that dot the lines of the railroads traversing Wisconsin, Iowa, and Illinois. There was one old lawyer there by the name of Baisden, a good old man who had all the law business of Eureka and its vicinity in fee simple. Well, one sunny day a young fellow dropped in with a copy of the Wisconsin Code under his arm and a tattered carpet-bag, which contained all his worldly belongings. He had come to practice law in Eureka. I guess it took about all his available capital to engage an office over the local bank building.

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Anyway, he got himself installed and I suppose he gave old Blogg, the signwriter, the cry of distress of the Queer Fellows Order; for old Blogg put the boy up a sign, right over the drug store. Thereafter Blackstone junior settled himself to wait—and wait he certainly did. After a month or two he would walk around without very much ambition in his step, and his suit was as shiny, especially around the seat of his trousers, as the back of one of those scaly old reptilia of South America. Old ladies were heard to complain that the glare from the boy's suit on a sunny day affected their eyes. I don't know how true that may have been, but for some reason or other he used to perambulate in the dusk of the evening, instead of in the heat of the day, as before. Jim

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Hastings, the groceryman, told me the boy would come in there after dark and smuggle a few groceries—usually of the most substantial sort (none of your paté de foie gras)—up to his office.

Waiting at last must have become an intolerable weariness. Hope deferred—you know. I guess he settled himself down to some pretty hard thinking while munching Jim Hastings' bread and sausage.

Now he was not altogether wasting his time. He was getting acquainted, making friends, and had become particularly chummy with Uncle Ned, the town marshal. Uncle Ned was a pretty good solo player, and put in lots of time practicing at the tables in the back of Abe Stringer's saloon. There was one fellow he could not

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beat in town, and that was Epson, the young lawyer I am telling you about. One afternoon, Epson sat down and let Uncle Ned beat him three straight games, a feat which tickled the old man mightily. Then he bought Uncle Ned a couple of drinks and one of Stringer's abominable cigars. In Uncle Ned's opinion there was nobody in town like young Epson. When he got through with the old marshal, Epson went down to the railroad tracks and calmly smoked his pipe, waiting for a freight train to come through. Eureka was a division point on the railroad, and Epson did not have to wait very long for a freight. The first train brought in two bums, and the next three, and finally, when it was getting dark, Epson could have been seen traveling

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down the track to the outskirts of the town with a small army of hoboes on his trail. It appears that there was a little shack a way down which was used by the gentlemen of the road as a sort of rendezvous, and here Epson gathered his ragged army, and dispatched two or three of them with large buckets and the necessary currency to fill them with beer. About nine o'clock that night there was a first-class orgy under way, that would have tickled the heart of old Emperor Nero, could he have dropped in on them. Well, that illustrious gentleman did not drop in; but Uncle Ned and a couple of special deputies did. The whole gang were arrested, excepting Epson, who skinned out in the dark. The bums were jailed, and Epson got busy and arranged to defend

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them. He did defend them, and got them off all right and made a speech that was talked about around Eureka for ten years. But it wasn't till old Uncle Ned died that Epson confessed that the whole thing was arranged between the marshal and himself. Well, he got his share of the law business around Eureka after that, and the shiny suit was soon after put into the discard.

LETTER V



I DID not expect to receive very many letters from you at this critical period of your history, without finding in some of them an allusion to your future location.

I have known all along that you did not feel quite satisfied at the prospect of coming in with me. You feel that Wilmotville is a somewhat restricted field for your activities, and, I suppose, with the proverbial ardor of youth, you long for distant scenes—for “fresh fields and pastures new.” That is laudable. I think I diagnose your case correctly when I say that you feel the life of a lawyer in a small mid-Western town to be

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pretty humdrum; that it has nothing to offer you either in the way of money or political honors.

Well, I would not care to have you settle down with me, if you did not feel quite satisfied with the outlook. I think we would take in enough money for us both to eat on, anyway, and perhaps have a small margin for luxuries. If you were temperamentally fitted to work beside me and succeed to my business, as I have no doubt you would in due time, you would find that the life would hold for you many compensations and attractions. This will be especially true when you are a little older, when a few of the rose dreams have vanished, when you have become a little more portly around the girth, and

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have ceased to fly up the steps of the courthouse in two vigorous leaps.

Frankly, I would not exchange my particular lot in this life with any man. I have my own well-ordered office and my own well-ordered business. Such an office to me is a haven of rest; not the rest of slothfulness, but the quiet peace of the regular day with its regular duties. There is a charm more subtle than I can express to you even in the inanimate furnishings of the office; in the neat rows of well-selected law books, with the uniform buff and red bindings on the outside of them and a measure of truth on the inside; in the well-worn desk at which your grandfather fifty years ago wrote his memorable speech in defense of Plinlimmon, unjustly

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accused of the murder of Mrs. Simmons; in the chairs polished with the arms of generations of clients as they recounted a hundred stories of wrong and injustice; even in the carpet, long faded into a gray and tasselled dotage, trodden by men who have achieved undying fame in a score of different lines of effort.

In my position a man becomes in course of time a little court of justice in himself. Many and many a dispute have I settled without the trouble or expense of going to court. Most of the old settlers, as you know, refer their disputes to me, and my opinion is accepted by them as unquestioningly as if it were a mandate of the Supreme Court of the United States. This is well, and as it should be. The true lawyer is a pacifier, not

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a provoker. His efforts are more than commercial, higher and nobler than merely mercenary. On his integrity and good sense depend the well-being, not only of individuals in their petty differences, but also of the community as a whole, which prospers when time is saved by a peaceable settlement of disputes, and money goes into the land, instead of into the county treasury for costs, or into the pockets of ravenous lawyers for fees.

So I find in this life, my boy, a higher satisfaction than that which comes from feverishly watching a bank roll grow. My pleasures are simple, and the sight of a widow coming into my office in tears, and departing with smiles and renewed hope, warms my heart in a way that the

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tender of a seat on the Supreme Bench could hardly accomplish.

I never aspired to preside over a law corporation, with half a dozen stenographers, a dozen clerks, and four or five partners. I don't really feel quite comfortable on entering one of those ornate city offices, where a pert youngster demands your business, and then informs you that you may see one of the partners in anywhere from four hours to fourteen years. I suppose they are making money; but I am sure such men would be as depressed at the sudden cessation of litigation as the high-priced ear-and-nose specialist would be if every one should be created with healthy ears and noses. If I felt like making a barrel of money, I assure you that the law business would be

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the last means I would choose for that purpose.

One of the big Chicago law corporations got after a poor woman down in my jurisdiction a few years ago. The property involved, a small farm—with all their brass plates and fixings, some of these fellows are glad to get very small fish in their nets—was situated in this county, and the case was tried here. I defended. The question involved a matter of tax titles, and I knew that my opponents were depending on technicalities and their awe-inspiring reputation to dislodge the woman.

Automobiles were coming into use then pretty generally, and one fine day one of those pretty toys, all red paint and gloss, wheezed and popped and crackled to a standstill under my

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office window, and presently a pompous, rather florid-complexioned man of about my age entered the office, breathing rather heavily from the effort of climbing the stairs. Between two fat, bejewelled fingers he held a thick smug-looking cigar, with one of those eye-destroying bands around it. He offered me the mate of that cigar, and being something of a smoker myself, and always ready to accept any expression of the good will of my fellow men, I took it; and after supper that night I enjoyed it mightily, as I reflected between the puffs on the events of the day.

My visitor eyed my little office with a great air of complacency, and decided that the whole effect was "very quaint—very quaint, indeed." In fact, I suppose he considered it an in-

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teresting survival of the "old school," whatever that was. He explained that he would have sent one of the boys down to try the little case (by that I suppose he meant one of the overpaid clerks in his office), but he thought it was an excellent opportunity to run out to the country in his "machine" and make a little holiday. The rustic courthouse amused this lawyer very much, and, when he saw old Job Wilks totter in with the records, he asked me in an audible voice whether the old man "served in the War of the Rebellion or was one of George Washington's aides-de-camp."

Of course, I won my case. The surprising thing to me, however, was the unutterably poor argument this ornate gentleman advanced to the

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court. His reasoning was weak, illogical, and almost childish. I soon decided that he was a lawyer only by license; that he was one of those fellows, known as "good business getters," who turn the cases over to what they call their "office lawyers," and that it probably would have been better for his dignity, as well as for the interests of his client, if he had sent one of the "boys" instead of trying to make a little holiday by coming himself.

LETTER VI



I MUST admit that you are right when you say that much of my former letter—in re the matter of location—must be stricken as irrelevant, immaterial, and incompetent. I did start out with the intention of seriously discussing the best whereabouts for you to settle and hang out the shingle of a lawyer and a gentleman, but sentiment treasonably waylaid me, and I was betrayed into a eulogy of the “old armchair.” I rather pride myself on my pleadings, but, when settled down to write a letter, one thing leads to another, and before I finish I find that I have had a delight-

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ful ramble, but have reached no particular destination.

I suppose that, with the theses all finished and submitted, and the burning question of the best one duly settled to the satisfaction of only one person, namely, yourself, and with nothing much to do before the eventful day when you shall march two and two to the Auditorium to receive the parchment and ribbons, the chief topic of discussion is, Where next? For some of the fellows, the matter is settled by circumstances. Some of the boys will be absolutely broke, and will be compelled to take some job to get car fare, if they want to get out of town. With some of them the job they take temporarily will perhaps prove a permanency. They will never be able to see their way clear to

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break into the law business, especially if they wait very long to see what success comes to their bolder and hardier comrades who have taken the chilling plunge.

Outside of doing it yourself, there is no more discouraging thing than to watch the struggles of a young lawyer for the first few years after his admission. One feels that, if he were a rich man, he would leave some kind of a fund to help those chaps along, although at the same time he feels that that would be about the worst possible thing that could happen to young lawyers. Lots of the boys enter their own first little law office as pink-cheeked youngsters, and come out of it a few years later—to move, let us say, to better quarters—sober-looking men, with a few lines that

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only that particular experience could engrave on their faces. So the man who takes a job and waits for a stake often wakes up a little late to find that he is an honored and respected bookkeeper, but not a lawyer.

Over his after-supper cigar one evening, Judge Finlayson told me that when he was admitted to the Bar back in Connecticut he was absolutely without a cent in his pocket, and no collateral that would realize five cents at the Sign of the Three Gold Balls. In those days what is now the Middle West was considered pretty far West, and the future judge's mind was full of Horace Greeley's memorable and oft-quoted advice. He wanted to go West, and the wish with the Judge in those days, as it is now, was but the sweetheart to the per-

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formance; for they always married. He was wandering back from the courthouse where the examinations had been held, and chanced to run across a couple of the men who had taken the exam with him, and who felt so sure they had passed—as, indeed, they had—that one of them, having a little more cash than the others, generously volunteered to buy an oyster dinner for the trio. While discussing the meal, and also the questions that had been asked, as is the way with all men who have passed through an examination together, a beggar entered the restaurant and laid a card on their table, conveying the information that the man was deaf and dumb, and asking that, as he could not speak for himself, they would permit the card to speak for

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him and appeal to their charity. Now, if the Judge had not been feeling pretty mellow, he would never have told me of this incident; for, while it showed some enterprise, it was not a strictly honorable thing to do.

Going into a hotel, the Judge helped himself to the hotel stationery, tore off the printed letter head, and very laboriously printed himself a notice, something after the style he had seen on the deaf and dumb man's card. As a deaf and dumb man he traveled with wonderful success from Connecticut to Illinois, where he settled and made later the remarkable reputation which he deserved. His first political office was justice of the peace, and he assured me, with a twinkle in his eye, that for quite a

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while the leniency with which he treated traveling mendicants of all kinds was matter of comment—mostly unfavorable—in all the country around.

Now, whether you go to a big city or a small town, you will at least have car fare. Fortunately the means is not the question with you, but the location.

✓ If I have heard it once, I have heard it a hundred times, to wit: That if the young lawyer goes to a big city and waits long enough he will have a larger and consequently more lucrative practice than if he had made his first venture in a small town. Statistics do not support this theory. I am no lover of figures, and I can't quote any if I would; for I have forgotten just exactly how it is figured

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out. But I do know that, taking the average—the average, mind you—of city lawyers' incomes, they will not exceed the income of the average country lawyer. The advocate of the small town says that his man will make money from the start—that in the small town the young lawyer will have no waiting period. From my own experience I know this is wrong. Whether the lawyer goes to a big or a small town, he will have to wait awhile; but, of course, by being more quickly acquainted in a small town, he will not have to wait quite so long as his brother in the city. He may not have to wait at all after he is acquainted in a small town, for he may be one of the men who do not improve on acquaintance; and I have known more than one such lawyer leave the

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small town under rather ignominious circumstances. For the man who does not stand close acquaintanceship, I unhesitatingly prescribe the big city, where he can hide himself and pass his time unobtrusively between the police court and the barrel house.

The matter of a location is one that a man must decide according to his temperament. Some men are not happy unless they have a thousand miles of arc lights on each hand. What was it that old Dr. Johnson said about the smell of a flambeau in Fleet Street being sweeter to him than the finest aroma of new-mown hay on the countryside? Such men reflect with perfect horror on the seeming meanness of the "jay town," with its three or four blocks of straggling wooden sidewalks, its Beehive

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Dry Goods Store, the Swede Church,
and the Patsy Saloon, and the talka-
tive livery man, without whom no
small community is complete.

LETTER VII

 THE point about locating in a small town to start with is this: Emerson, among the very many fine thoughts which he expounded, has one to the effect that, if a man is truly competent in his particular sphere of work, the world, always anxious to obtain the best, will beat a pathway to his door. When once it becomes known that a man is truly able, he will not have to go to the largest market and hawk his wares from door to door. The buyer will come to him. The finest apples in the world are grown in the great Wenatchee Valley, in the state of Washington, and buyers from all the big world-centers come

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there to purchase the luscious crop. The Wenatchee man does not have to send out a long string of salesmen. He has simply to plant, water, and attend his orchards and the world watches and waits for the apples to ripen. The Passion Play in Oberammergau is something peculiar to a certain locality. It stays in the small village where it originated and men are glad to come from all parts of the earth to witness it and glad to pay all kinds of money to get there. So far from its being advisable for the rustic actors to take their play "on the road," to stage it anywhere but at home would be to eventually weaken and ruin the play.

Two of the very best surgeons in the United States are content to remain in a small town in the Middle

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West. Their reputation has gone out from there and patients come from the four quarters of the globe to obtain their services. They do not care to open elaborate offices in New York, with pages, clerks, and assistants. Their worth, their ability, provides them with all they can reasonably attend to, and as profitably, if not more profitably, than if they followed the ornate office plan some of their less skilled but more unscrupulous brethren resort to.

The world is, after all, not so very large. News travels very quickly. If a Blackstone, or a Marshall, or an Austin should live in a shack in the heart of the Rocky Mountains, his reputation would inevitably trickle out. The word would go forth that he is a man who knows the law, and

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knows it better than any other man; and presently the big corporations, in search of the best, would have their scouts out sniffing around those mountains for an interview. Compared to the rest of the world, Palestine is only a smear of a few rocky acres of ground, yet, because of the worth and the truth of One who lived there some centuries ago, unnumbered millions of men have been put in close and intimate relations with their Creator.

I would suggest that you get into some town of about five thousand people, in a growing and enterprising part of the country. You will have many of the pleasures which a man in a cow-town could not get. You will have the opportunity of getting a variety of law experience that you

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could not obtain in the too small community, and, best of all, you will not be smothered with the competition that makes practice in a big city almost an impossibility. It has ceased to be a picturesque thing to starve to death in your office. This country needs all its men too badly to permit them to emulate the example of the young barrister Dickens tells about, who was missed from his circle all at once, and some months later was found in the closet of his chambers, a skeleton.

In the blush of young enthusiasm I spent two dreary years in Chicago trying to get a foothold. The city was not then as big and bustling as it is now, yet it seems to me that they had just as many lawyers, comparatively speaking, then as now. Now,

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I did not give up the struggle of my own free will and accord. I just naturally came to a place where it was a case of going to work or going without meat, and I decided that, rather than abandon my profession, if I could not practice it in Chicago, I would go to some place where I could. A true lawyer has something of the artist spirit. He must practice law or rust to death. If he is starved out in New York, you will find him sitting on an iceberg in Nome, blowing on his fingers to keep them warm, and conning the statutes of the District.

Well, I found in Chicago that many young men who were maintaining offices, and to all appearances were practicing law, had some other kind of refuge. Numbers of them were working night shifts in the post of-

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fice. Some others found their way into the county offices where night clerks are employed. In this way they were able to struggle along. This method of practicing law is more heroic than pleasant, and if persisted in is well calculated to age a man some years before his time.

What I like about the small-town practice is that a man is within walking distance of his home. You do not have to sit and fret and worry in your small, top-story office all day, and at night jam into some overcrowded street car for a nine-mile ride to your home. Nothing like that. In the country you can walk home for your dinner and supper. You will have better things to eat, and more of them. . You will find a place to board with some motherly woman, who will

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feel worried if you do not eat everything in sight on the table. You will make many pleasant acquaintances. You will feel fresh and strong for study and work. The agent for the big corporation may never find you out; but then that will be to your advantage, after all. Not that I believe that the corporations are looking for dishonest men, or for men who can teach them how to evade the law. The people must make bogeys of something. A hundred years ago in England it was Napoleon, and in present-day America it is Capital. Most big industrial concerns are good people to do business with. If you work for them, you are sure of your pay on Saturday night. If you buy of them, you know pretty well that you are getting your money's worth.

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The men who want big lawyers to help them break the laws usually have meteoric, but brief, careers. Our Federal prisons testify to the quality of the legal advice such men must have obtained.

For fifteen or twenty thousand dollars a year any corporation can get a good lawyer to do everything that is necessary to protect its interests. The fifteen thousand dollar man has under him a staff of lawyers who are drawing not more than some of the men in the engineering department. If you can't go to work for a corporation as a fifteen thousand dollar man, I don't want you to go to work for them at all. Twenty years with a corporation spoils a man and his chances of ever practicing. I know no more pitiable sight than the man

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who has scratched along on somebody's pay roll for a dozen or more years, and then tries to branch out in his own practice. I have seen too many shipwrecks made of this sort of thing. Get you into a location and stay—stay—stay. Work for yourself. Don't waste your time and energy playing another man's game. Then, when the almond tree begins to blossom, you will have something to sustain and occupy you.

LETTER VIII

 YOUR feeling toward the big city is a natural one. A young man feels that he has powers within him which must inevitably carry him to the highest places. Youth is unconscious of limitations. It is the sign of a good and hardy spirit in the young lawyer to feel that, let circumstances be what they may, his strong hand shall cleave a pathway through all obstacles until he grasp the tangible rewards of victory. The athlete is not content to watch the progress of a hard-fought game. His muscles tingle for the conflict. He itches to plunge into the thick of the struggle, scatter his opponents like chaff, and

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score a glorious touchdown. I know how you feel, my boy, in regard to "immuring yourself," as you call it, in a small town. You feel to a certain extent that you are "out of the game"—that the real fight is in the big center, and that there the real fighter should be.

You are right again when you say that one fee in the big town equals twenty in the small. The only thing is that your country brother is making his forty small fees while your big one is just appearing as a nebulous and impalpable shadow on the horizon, contingent upon the outcome of some case, which, with an overcrowded calendar, the court will not be able to reach for six months. If you are in a densely populated district, the crowded condition of the courts will

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make it impossible for you to get results, even if you start filing complaints the very first day you open your office; that is, you cannot get your money out of the cases for months.

I will not say that money will flow to the man who opens in a small town just as soon as he gets there. Some men are doomed to starve to death in a community of three hundred souls, as well as in a community of three million. In the law, as in every other line of human endeavor, so much depends upon the man. The man refuses to be measured by a yardstick. He may confirm your fears, or he may set all rules and precedents at defiance, do the unexpected thing every time, and achieve a splendid success.

This, of course, is all obiter dicta.

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If I were compelled to render a decision proper upon the matter of location, I would say: If you have no capital, nor any employment you can follow that will run your law office (some kind of night work, I mean)—if you want to depend upon the practice of law for a living, your wisest course is to content yourself with the day of small things and be a backwoods lawyer.

If you make up your mind you want to go to Chicago, I think that I may be able to obtain you a clerkship in Judge Flory's office. You may have to hang around the Judge's office for two or three months, finding out where he keeps his legal blanks, and giving him a chance to size you up. If he likes you, I have no doubt that the Judge would pay you some small

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salary—twenty-five dollars a month, or something like that. Under the pretense of giving young lawyers experience, many firms are obtaining splendid service for practically nothing. Frankly, it makes me a little impatient to see a good, honest, capable young fellow sweating blood and living on cheese and crackers because he thinks by doing that he is getting good “office experience.” Now, in the economic scale, the work of a young lawyer is worth so much. It may not be worth a very great deal, but it is always worth more than the miserable pittance which an employing lawyer wants to pay. If the pay in these cases were commensurate with the work performed, a boy could afford to follow that system for a year or two: First, because it will

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enable him to get a few dollars together to take him to the country, where he will eventually go; second, because he has a chance to learn practical procedure at somebody else's expense rather than his own.

Dean Maple has a faculty of saying the right thing in the right way. Last spring, when I came up to see you, I happened to drop into the Dean's office for a friendly chat on old times and old friends. It was a week or so before Commencement, and a senior strolled into the Dean's office, and from the way he talked I judged he had been doing some heavy thinking on ways and means for the future.

The Dean looked up at him from beneath his shaggy brown eyebrows, and in that brisk, sharp way of his

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said, "Well, Shankland, what next?" Shankland shifted from one foot to another, and rather weakly volunteered the information that he was going out to look for a job.

"What kind of a job," inquired the Dean.

"Oh, I guess a job in some law office," said Shankland.

The Dean laid down his pen and, looking Shankland squarely in the eye, asked: "And what are you going to get a job in a law office for?"

"Well," replied the boy, "I guess to get onto the ropes."

"Get onto the ropes!" the Dean snapped. "Get onto the ropes! Some pretty poor ropes you'll get onto. Go out and make your own ropes."

When the boy had gone I ventured to applaud the Dean's advice. He

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looked at me with a knowing twinkle in his eye.

"I cannot see," he said, "why all these young fellows want to rush into somebody's law office. There are some lawyers of thirty years' practice in whose offices I would be afraid to spend a week, for fear I would pick up their little legal vices, as well as what virtues they may have. This is very poor business, getting onto somebody else's ropes. I believe that, after three years of the drilling a man gets here, he ought to be able to go and work out his own salvation."

In all the world, there is no experience just like the kind a man gets in his own law office. The law clerk prepares a complaint, knowing that his employer is going over it afterwards, and anything that is wrong


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will be caught and corrected. The boy who is out for himself, and knows that when he gets his case settled he will get a fee, and if he loses he will get nothing, soon learns to be very careful about his pleadings. He is not going to give the enemy any chance to run into court and move for judgment on the pleadings. A cause of action looks to him more like a real, live human proposition than it can to the man who is merely framing up the tale of woe for somebody else. Experience! I tell you, my boy, that when you have garnished the salary of some real, live workingman—say a blacksmith, weighing two hundred and fifty pounds, all bone and muscle—and he comes rushing into your office, frothing at the mouth, and perhaps fortified with a

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shot of bad whisky, and wants to toss you and the desk and the library all out of the window at once, you will think there is something in the law business besides wearing good clothes and attending law lunches.

LETTER IX

 SOME of your ideas on the subject of the lawyer in politics are good. You say that, even if a man should run for an office and be defeated, he will have had the advantage of a lot of advertising. That statement should be qualified a little. I have known a great many men to run for office who did not get a cent's worth of law business as a result. More than that, I have known men to hold office for a number of years, and on their return to private life be compelled to laboriously build up a practice again.

In the average community the law business flows into certain hands,

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and, if pretty well taken care of, is not likely to change except for very good reasons. Tom Jones may never run for office. He may be content to remain in the little old town and look after the family troubles of his neighbors. He becomes known to them as a lawyer. He knows all their affairs. They trust him. Bill Brown, of the same town, may be elected to Congress for a number of terms. He may go to Congress a young man and return home a middle-aged one. He has been compelled to live up to all he earned at the capital.

When finally out of office, he turns his face towards home with the pleasant feeling that the natives are just waiting for him to come back and take up their troubles again. What he really finds is that the Jones type

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of lawyer has got most of the business corralled. Just because Brown has been in Congress does not look like a good enough reason for old Farmer Akers to quit old Tom, who has been giving him good service and has always been found reliable. Brown, of course, will probably get new business; but it is a matter of starting all over again.

In all parts of the country, in the big cities, as well as in the rural communities, men will be found who have held greater public offices than Bill Brown's, who nevertheless are barely making a living from the scattered threads of a long-neglected practice.

We must give the lay public credit for a little more intelligence than it is usually supposed to have. Just because you run for justice of the peace

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and get licked is no reason why clients should come tearing into your office for legal advice. You say it gets you before the public—it gets you known. The public's memory is very short for politicians.

All a man has to do who wants to get a divorce is to stand in the intersection of two main streets in the heart of the city, and he will see the names of fifty lawyers on as many office windows, some of whom will handle his case for five dollars, and others who will want five hundred. Even if our supposed client were aware that an election for justice of the peace had been held, it is extremely unlikely that he is keeping a copy of the newspaper in his pocket in order to find a lawyer's name when he wants it.

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If you go into politics, go with the intention of landing the job you are after. Anyway, don't try to tell your printer to wait until you get your business from the campaign for his pay for the advertising matter you use. I don't know if it is advisable for the young lawyer to meddle in politics; but I know that it is in vain to try and dissuade him. Like children and the measles, almost every young lawyer has to have his attack of politics.

The lawyer-politician does not attract the best clientele. For some reason or other, we all have a certain suspicion of politicians. Men of business affairs regard them as particularly obnoxious; nor will they bring their law business to a man who wears the hated brand. There are

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exceptions to this, too. Very big business makes its own politicians. They take their lawyers and train them, and place them in the highest positions in the land. I assume that you are not looking for that kind of a political career.

In moderation, perhaps, politics can do you no harm. If you should succeed in becoming Prosecuting Attorney for Carney County, and should discharge the duties of that office creditably, it would be good training for you, both in a legal and political way. It would get you favorably known to the people of the county; but private practice, ably managed, will do that just as effectively, and with the advantage that you will not have made any partisan enemies.

The successful politician bears the

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best wishes of a large number of citizens for his eternal downfall. I understand, from a great many persons who have occupied influential political positions, that the happiest days of their lives were when they left public service to return to private life.

After all, the politician, like the poet, is born and not made. Such men really deserve the name of statesmen rather than politicians. Burke, Pitt, Webster, Clay, Lincoln, were all created to bear the burdens of state. Their proper place was in the center of high debate and great national achievement. I do not flatter myself that we have a Webster in the family. If it should turn out that we have, then I shall be very proud and happy to speed you on your heavenward course.

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Nothing so coarsens a man as politics. There is something about the unholy swelter that takes the fine edge off a man's sensibilities. I will have to leave it to psychologists to inform us just what has been lost; I do know that the officeholder is never quite the same man, never quite so good a man, as before his election.

This is a letter of qualified statements. I must qualify my strictures on the effect of political success upon a man's temperament. I have known mediocre lawyers elected to the bench, who seemed to grow in mental stature from the very day that they took office. I took the bar examination with a young fellow named Wilson. He was a pleasant, agreeable chap, but not what would be called an extremely learned lawyer. That exami-

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nation was extremely deep water for him, and from all his painful antics I concluded that he was about submerged. However, he managed to get through, and was delighted with all the delight of the man to whom the happy unexpected has happened.

Wilson had no illusions about ousting the President of the New York Bar Association from his chair in a couple of short weeks. Not he. There was only one place for Wilson. He was going West; and West he went. Somewhere amidst the broad, sweating stretches of gray sagebrush that roll from the Mississippi River to the Cascade Mountains, the intrepid Wilson tacked up the shingle of a lawyer and all-around adviser of men. I heard nothing of him for about three years, when I got news that Wilson

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had been elected judge of one of the remote Western counties. He was then, I think, barely thirty years of age. Do you know, he made a fine record! From there, he walked to the Supreme Bench of his state, and I have had the pleasure of reading some of his opinions, which were not only models of pure English, but extremely erudite and logical.

LETTER X

 WHEN you have been in the legal arena as long as I have, you will realize that the most critical part of the lawyer's life is in the first three years of his practice. If you can properly survive that initiatory period, your success is assured. I know that those three years will be financially critical. You will often be hard pressed for money. You will know what an elastic thing one good meal can be, and how you can train yourself to travel on it for almost an indefinite number of hours—something like the camel and its famous conservation of drinking water.

I do not regard the financial ques-

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tion as the most critical part, however. That sort of thing is not peculiar to the law business. As to missing a meal once in a while, that won't hurt you at all. Men have lived for two weeks on the sole of a rubber shoe, and have lived to tell what a delicate diet that may be under some circumstances. The most important question for the young lawyer is how to properly utilize the time. A young fellow rents himself an office and settles down to wait for clients. How is he employing himself during that time of waiting?

I know some fellows who read everything but law. The first hour of the morning is spent in diligent perusal of the newspaper. On their desks you will find all kinds of magazines and periodicals. Seldom will

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you find among that pile of débris a professional journal. These men will have an amazing fund of general information, yet the chances are ten to one, speaking after the manner of gambling men, that they will not know enough to join the wife in an action involving community property. They will make that mistake only once. A sinister Nemesis will find them out and expose them, when the property in litigation comes to be passed to the hands of a third person.

It is a horrible sensation to have to explain to an indignant client just how that error occurred. Don't think that you can bewilder the litigant. He will ask you some pretty pointed questions, and will not be satisfied, commonplace creature that he is, with a quotation from Epictetus in the

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original, or a stanza from the "Lay of the Last Minstrel." When he is gone, and you mop the sweat from your fevered brow, that old Code that you neglected will seem to reprove you audibly for your indolence and carelessness.

The man who can find pleasure in continual reading, if it is only the light, frothy stuff that goes under the designation of "light literature," is a little better off than the man who does not care for general reading, and who cannot bring himself to read law. That sort of individual is in a most unhappy way. Hour after hour you may find him, sitting with his feet on the desk, stolidly smoking his pipe and dreaming. A few months of that bitter do-nothing way of living

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will demoralize any one. Then it is that the young lawyer loses his head. If business will not come to him, he will go to the business. He turns over in his mind a thousand ways for making money. A collection agency, finally, looks like the best avenue of escape.

Sinking his scruples, he grabs his hat and starts on a canvass of the merchants, doctors, and dentists, for their bad bills. The first place he enters, say, is the office of some young doctor. This young man is about in the same boat with the desperate young lawyer. As his visitor enters, the doctor looks up from an open book of anatomy or medicine, or carefully lays down some delicate surgical instrument he has been cleaning,

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and listens to the request of the lawyer for the bad bills. He has no bad bills; in fact, he says with a smile, that he has no bills at all, good or bad, but if Mr. Brown will leave his card he will call him up the first time he has anything to collect. The doctor is pleasant and courteous, but the lawyer sees a peculiar look in the doctor's eye, a look of surprised disapproval, as though this was hardly the proper course of conduct for a member of a learned and respected profession to pursue.

Outside in the hall Mr. Brown takes a second thought about the collection proposition. It does not look quite so good to him as at first. However, he determines not to be defeated by a look, and enters the next

LETTERS TO A YOUNG LAWYER

office, one occupied by an old gray-headed doctor. No, thank you; he never gives his bills to collectors. Yes, he has lost thousands of dollars in bad bills; but he knows that, if his people can pay, they will do so. Furthermore, he has not a very exalted idea of doctors who give their bills to collectors.

Now, that strikes young Brown as rather a new thing in professional ethics. What a quaint idea that—not even to give a bill to a collector! What a gulf between that attitude and the attitude of a man who, because he is a lawyer, goes out and begs for a chance to hound a debtor down! Brown goes back to his pipe and his office, and later, when the pressure becomes too strong, goes out

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and gets some kind of a job, hoping to make a small stake and start properly.

The point is that, if you do not occupy your mind while sitting alone in your office, you are going to lose your head. You are going to entertain a thousand wildcat schemes for making that meal ticket. There is only one remedy, and that is in the diligent and systematic study of your books. If you have spent the day conning your text and your cases, you will go home at night feeling that you have done a day's work, even if you have not taken in a cent of money. Steady law reading is an excellent corrective for all sorts of bad mental habits.

Again, you should spend as much time as you can in the courts, listen-

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ing to the trials. The courtroom is where you can do your laboratory work, where you can see the practical application of the principles you have gleaned from the books. A great Italian singer once confessed that he had spent only a few months under a master. When asked how he had then acquired his rare knowledge of technique, he said simply, "By listening." Blackstone tells us that he had but few cases in his younger years, but that he was a diligent attendant on the courts, making notes and recording decisions.

Study and listen, my boy, and when the emergency arises, as it is bound to do, you will be master of the situation. The proper investment of your time will yield a rich interest. Every

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man respects the student, and the reputation for being constantly at his books or in the courts is an asset which will insure any lawyer quite a continuous rotation of meal tickets.

LETTER XI

 **H**OW much capital should a lawyer have to commence business with? In every case this may be answered by saying that he should have enough to support life decently until he can derive some returns from his practice. It can be plainly seen, from that, that the place which will soonest yield the young lawyer some real money for his work is the place where he can afford to start with less cash in hand. Location decides the amount the lawyer should take into the town with him.

Now, of course, there are fellows, whom we all know, who have started in this business on a shoestring. Bill

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Williams came into Kerr County twenty years ago so poor that he had to go to milking cows to make enough to eat. He is prosperous now; but, while rustling around and doing general chores, Bill was wasting valuable time that might have been saved to him had he brought a couple of hundred dollars with him.

As I have said before, starting in a big city means getting into somebody's office as a clerk; working night shifts in the post office, or wherever there is an opening; or being among the fortunate number who have private means enough to lift them above the anxiety and worry of living from hand to mouth until they get a start.

Going into the country to practice does not mean that you are going to make money right away, and, person-

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ally, I should be sorry to see you start up anywhere, East or West, with less than five hundred and fifty dollars. I add that fifty, because the tide may turn in your favor just as you spend the five hundred and forty-ninth dollar. Poverty, too stern, has its dangers. It tends to make a man disregard the fine points of ethics, and it leads to practices sometimes which are not only not ethical but are downright dishonest.

We will assume that you have decided to locate in Grasstown, a flourishing city west of the Rocky Mountains. You have looked in the Gazetteer, you have written the Commercial Club, and Bill Smith, who practices law thirty miles from Grasstown, has written you a glowing account of the possibilities. You have

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found that it is located on two railroads, and, according to the Secretary of the Commercial Club, two or three more great transcontinental railroads are fighting for a chance to come in. You have found that it contains five churches, of as many different denominations, as well as a Salvation Army Barracks and a temple of Christian Science. Two weekly newspapers supply the inhabitants with all the information and amusement they need, outside of the occasional visit of a theatrical company. There are three banks, the First National, the Farmers', and the Commercial Savings and Trust Company.

Now comes the question of the number of lawyers who are already living on the good people of Grass-town. This is the important ques-

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tion, and the one to be cogitated upon when debating the amount of money a man should take in. If Grasstown had only a few hundred people, and were one of those towns which are compelled to advertise in the newspapers for a lawyer to come over and help them, a man would not need much more than his car fare; but Grasstown sprang up on the old original Oregon trail, has been in business at that stand for twenty years, and has, according to all the reports, half a dozen lawyers in active practice there. Bill Smith told you that four or five of those lawyers are poor old chaps, who got to the Bar when all the law called for was a primitive knowledge of the three R's, and that you can skin them to a frazzle. Maybe so. You want to remember,

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though, that all those old men are probably related, directly or indirectly, to every one in the community, and that your business for a while will have to come from the relations far removed. The near blood will still figure on sticking to the old men.

Still, if Grasstown can support six lawyers, you are pretty safe in assuming that it can support another one, especially as it is in the midst of an enterprising and but partially developed agricultural country. You can see that you will have to take a little more money in with you in order to play a waiting game, in the hope that something will turn up to put you on your mettle and give you a chance to demonstrate your ability. If you can lick old Uncle Ben every time you meet in court, why, Uncle's

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nephews will be sneaking around to your back door after a while trying to hire you. In a more remote Western town, every one of the six lawyers would be comparative strangers, and every one would have more or less of an even break. The chances are you would not have to wait so long there, nor need quite so much money, as you would have to have to go to Grastown.

Another thing to consider, in the line of what we may call competition, is the number of real estate men in any given town. Yes, real estate men. The real estate men are the little foxes that spoil the vines for the young lawyers, and for lots of old ones, too. Every mother's son of them is doing a good-sized law business without having the papers to

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show for it. Every one of them, you will find, is a notary public, and I want to tell you that you are going to be surprised to find what an amount of ready revenue there is in being a notary. The real estate man is making deeds, drawing notes, chattel mortgages, bills of sale—in fact, he is doing all the little things which properly belong to a lawyer, and the income from which would be more than sufficient to keep a young lawyer going until bigger business comes in. They examine abstracts, too, and render informal opinions—and unless the abstract is full of technicalities those fellows can get a pretty good line on it. If ever you get to wondering why those abstracts don't come into your office to be examined, just take a stroll into the offices of your

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real estate friends and you will see where they have lodged.


Further, the real estate man can oblige you with a legal form for almost every emergency and every legal purpose. They draw wills—and to have a real estate man draw your will is just one shade worse than drawing it yourself. We don't object to their doing that. Not without significance was the old lawyer's toast to the testator who draws his own will. However that may be, the fact remains that they are handling a lot of small matters which are properly in your jurisdiction, and which, if you could get them, would very materially affect the amount of capital you would have to take into the town with you. In looking over a town, just take the trouble to inquire into the real estate

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situation. It will be important information for you in more ways than one.

All these things, small and large, have something to say about a man's prosperity, and accordingly are worthy to be considered in connection with the matter of capital.

LETTER XII

 FROM what I have seen, and from what you have said of him, I think that John Dunstan would be a good partner for you to have. A good law partner is like a good wife—pretty hard to find, but a great help. I notice a pronounced tendency among the young lawyers of to-day to form partnerships and hunt down their prey together. It is a great help to have a comrade in the dreary days, and, when things are coming very slowly, to exchange emphatic views on the idiocy of a darkened public that refuses to avail itself of so much combined legal talent and ability. It is a pretty true old saying that two

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heads are better than one. It helps to minimize error for the two of you to go over your pleadings together. One will see a point that the other will not; one will recall an essential principle that the other has overlooked or forgotten.

No two men have exactly similar temperaments. Every man will make his own circle of acquaintanceship. Through a partner, the lawyer is enabled to reach clients that he never would otherwise have come in touch with. One of the strangest and yet most successful partnerships that I have ever known was formed between a man who was a rigid teetotaler and one who was frequently hovering on the border line of sobriety and intoxication. The sober fellow was a first-class student, and as able as his years

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and experience would permit. The other one seemed to get what law he knew by a peculiar process of absorption. He was blessed, however, with excellent reasoning powers, and had, moreover, considerable natural eloquence. He could try a case very successfully, although his partner usually had to be on hand to prompt him when the tangle threatened to become technical and involved. This man was never found reading a law book, but he did love to splurge and splutter to a jury. He had what is called the oratorical temperament, and the constitutional indolence that usually accompanies that gift.

More than once I have seen the steady boy struggling upstairs with his partner hanging heavily on his arm. He would cache him somewhere

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in the back office, and in emergencies would toss him into the clothes closet. I frequently dropped into their office, and as I was a youngster among youngsters there was no attempt made to conceal the skeleton in the closet. One day we were sitting around the office, laughing ourselves into tears at the unbridled witticisms of the boy who was in an early stage of intoxication—a period when his whole soul seemed to expand and his genius flow forth in a stream of really brilliant conversation.

Just then we heard a footstep in the hall just outside the office, and with one consent we leaped upon the orator and stowed him in the large roomy closet where the coats were hung and any miscellaneous junk around the office was stored. The

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visitor proved to be a silver-haired, fine old lady, very dignified, and with that peculiar queenlike carriage that some ladies seem to assume with advancing years. She had come about a matter of probate my two friends were handling for her. I, of course, turned to go, but certain strange and unusual noises emanating from the clothes closet caused me to stop in case my services should be needed to suppress a rebellion. Bang, bang, on the door, while a smothered voice called agonizingly for liberty. My friend flushed to the roots of his hair, and the old lady could not conceal her amazement and concern.

There was nothing to do but let the prisoner out. His face was flushed, his hair was ruffled, and he looked rather sheepish; but there was a hope

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that the visitor would attribute that to his being locked in the closet. Not wishing to trust himself to stand, he subsided heavily into a chair, and explained that the lock had caught and locked him in the closet. I thought that perhaps he had been sobered up a little; but my heart sank when he launched into a glittering panegyric on liberty, and how dear to the prisoner immured in deepest dungeon was the light of the day and the breath of the morning, and so on.

Instead of discovering his real condition, the good old lady thought that he was a very clever boy, and she looked on him with something of the expression of a fond mother with a bright and precocious infant. He skipped from one thing to another, and wound up at last by repeating

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whole reams of Tennyson's "In Memoriam" so feelingly and meaningly that the poor old lady was compelled to dry her eyes more than once. When we were alone we gave him the third degree, and he confessed that he never would have come out, but he thought he heard a mouse in the closet, and mice, above everything else, he detested.

This rattle-brained fellow afterwards rose to high position in his natural field of politics, and one of his first exercises of power was to put the old reliable partner on the bench of the United States Circuit Court.

That was a partnership which proved a happy one. There have been others which have ended almost tragically. I knew a young chap who tied up with a man who turned out to

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be a thorough rascal. For a number of years they held together, and everything seemed to be going along nicely. They were in a fair way of business, and making a little above their expenses. Every cent that my friend could make he salted down against the time when he should be married. He was engaged to a very nice, good girl, and together they watched the slowly growing nest egg. One way and another, most of the boy's own money was in the partnership bank account and subject to withdrawal by either partner. This arrangement cost him dearly, for one morning the worthless partner skipped the town, taking with him almost every cent the other man had in the world. Such instances, fortunately

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for the honor of the profession, are very rare.

When you begin to take in money, have an account in the bank where the firm's money may be kept separately. As a lawyer you will be trusted with a good deal of money from time to time. Be careful how you handle it. Carelessness in these things leads to chronic embarrassment, and frequently makes necessary a lot of humiliating explanations, and, if persisted in, will remove the fine edge of your credit—without which, nothing.

LETTER XIII



THERE are ways and ways of practicing law. One man can go into a city—any city you like to think of, preferably a large one—without a cent in his pocket and can commence at once doing a law business. How? Very easily. He will probably bum a couple of weeks' desk room in some law office. His next step is to go up to the justice courts and get a big bundle of blanks—forms of Notices, Writs of Garnishment and Attachment, etc. He then proceeds to breezily canvass for collections, and can always succeed in coming back to the office with a big batch of bad bills. From the various creditors he

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has found out where each and every debtor is employed; then, seeing that he needs the money and cannot wait for excuses, he will not even take the time to write a dunning letter, but will immediately draw up his complaint, get out the writs of garnishment, and by the end of his first week he will have the salaries of twenty men tied up.

This young man is thoroughly worldly wise. Professional ethics is a matter of pleasant jest with him. "Fine," he will agree placidly, "beautiful spirit; good idea, you know. But then those things were drawn up by a bunch of old stiffs, who were well established and could afford to follow those rules, supposing they care for them themselves. Not for me. I can sit in this office and rot,

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yes, not before any one is going to find their way up here to see me. No, sir; I have no use for the American Bar Association's Code of Ethics. I've got to get the business, and if the mountain won't come to Mahomet—you know the rest. Well, I'm Mahomet."

That is one way, and an easy way, of starting to practice law. In fact, for a certain type of man, that is the only way that he ever can or ever will practice law. For the so-called ethical lawyer the collection man has a contemptuous pity, as an impractical dreamer and a poor old stick in the mud.

Now, I am not going on record to the effect that it is entirely wrong for a lawyer to solicit collections. It is not unlawful; nor do I think that it

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could be made the ground of disbarment for soliciting legal work. While the collection business is related to the law business, it is not peculiar to the law. Many of the most successful collection agencies are run by men other than lawyers. It cannot, therefore, be a solicitation of business within the meaning of the disbarment statutes. Such statutes relate in most states only to champerty and maintenance, and are almost useless; for only once in a lifetime do you hear of a lawyer being disbarred for the infraction of those ancient laws.

There is one thing about the collection business that you may rely upon as being very true; it is a barrel of undiluted trouble, and the money made in it is very hardly earned. If you are flooded with collections, you

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will have no chance to practice law. There will simply not be time enough for you to do so. Then, when you have finally located a slippery debtor, and have him all nicely and securely garnished, he will probably bob up with a claim of exemptions, and you will be left holding the sack. In the Western states, where they have had one or two Populist legislatures, you will find the exemption laws extremely liberal to the debtor. I have no quarrel with such liberality; in fact, I think that such provisions are wise and humane and just.

There is a growing opinion among lawyers and laymen that the garnishment laws are much abused. Some collection agencies take out their writs of garnishment by the barrelful. It is a severe hardship to subject

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a man and his family to the privation of having his salary denied him at the end of a week, especially in view of the fact that the court issuing the writ of garnishment has not yet passed upon the merits of the claim. Under the present loose system, men and their families are made to suffer for what frequently proves, upon the trial, to have been an unjust claim. No bond is required to secure the writ of garnishment; it is issued upon the affidavit of the creditor or his agent. I am decidedly of the opinion that, were it necessary to give bond for the justice and lawfulness of the claim upon which the writ is sued out, much injustice would, in some small measure at least, be averted.

Now, I do not desire you to become a collection lawyer. That is a name

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easily acquired and very difficult to lose. Probably half the men who use the words "collection lawyer" do not fully know what they mean by them; yet they have a feeling that somehow the man to whom they apply the term is not just right. He is not playing the game. He is running around the hurdles; he is elbowing the runners. The chief cause of this dissatisfaction with the unscrupulous practitioner is, I think, his unblushing denial of all those rules which tend to promote the dignity and nobility of the profession of law. Whether you are successful in your practice or not, I beg that you will fall into no cynical, contemptuous, or slighting attitude towards the legal system under which we live. Do not allude to yourself, even playfully, nor allow others to do so, as a "shy-

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ster." The proper meaning of this disagreeable epithet is one who hangs around the police courts, seeking to defend the petty criminals that come up for trial there, and who is not a regularly admitted and practicing attorney.

There are malcontents enough; there is already too much unreasoning prejudice against the law for its practitioners to ever, even in their lightest moments, allow themselves to be heard alluding to it jestingly or indiscreetly. Do not think that the great body of our statutes and their interpretation is the meanest work of men. Every law in the Code, every true and honest decision, is the expression of the most serious and earnest thoughts a civilized community entertains concerning the proper re-

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lations of the individual members of society one to another. The law is a truce between man and man, under which all agree to live, without which there must be everlasting discord and all the riot and confusion of barbarism. Let the civil government change as it may; let it swing from a tyranny to a republic and back again; still the legal system, in its essence and spirit, can never be abandoned. The real enemies of society are the malicious and the thoughtless, who confuse the corrupt administration of law with the pure spirit of the law, and clamor for the abolition of the wisdom and experience of two thousand years.

LETTER XIV

NOTHING much more annoys me than to see careless and disrespectful manners in the courtroom. To me, the administration of justice seems more sacred than profane. Outside of his religious worship, man in his courts of law, in the honest attempt to do justice, becomes God's minister; for God is justice, and the divine attribute is manifested in the just laws of a modern state as really as they were in the ten fundamental commands of the Mosaic law. Regarded in this light, what dignity and responsibility rest upon the judge! What a noble and worthy duty is the

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jury's! How solemn a place the courtroom becomes, where all men, regardless of creed or race, may resort for the amelioration of their wrongs and the enforcement of their rights! With what seriousness should our lawmakers inscribe the new and necessary statutes upon the book of laws!

Nothing frivolous or trifling should be permitted in the courtroom. How truly they understood the dignity and significance of court procedure who first made use of the term "contempt of court"! Men may be and are frequently contemptuous in the presence of a sovereign or ruler; but there is no punishment for such contempt. A man is contemptuous of his fellow-men; on the street, in the market, in his private relations; even of his par-

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ents and his family; yet there is no statutory punishment until his foolish conduct shames the dignity of the place of law or the recognized temple of religion. There are three generations of lawyers behind you, my boy, and it is my pride and pleasure to be able to say that not one of them ever incurred the punishment for contempt of court. In the conduct of a case, your patience and temper will be severely tried. You will see falsehood and deceit gaining over your just cause; the opposing counsel will maliciously pervert the facts and distort the law; he may even turn upon you personally with vile insult or biting sneer; but I hope and pray that your temper may not betray you into descending to similar methods in reply.

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Your grandfather's carriage in the courtroom was perfect. He was a great lover of his cigar, yet he would not enter a courtroom, even during the adjournment of court, with a cigar in his mouth or in his hand. I never saw him at any time in a courtroom with his hat on. The sight of a lawyer at the bar, during the conduct of a case, with cheeks bulging with chewing tobacco and pausing in his remarks to the judge to spit a copious stream of black juice from his mouth, caused your grandfather unutterable disgust. I have seen the bailiffs reading newspapers; lawyers lolling over two or three chairs, yawning and gaping; even the judge tilted back, half dozing in his chair; yet your grandfather always entered the room and took his seat with a

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quiet dignity and an attitude that spoke eloquently of his respect for his profession and for the court. I have heard him say frequently that he could not enter the courtroom without a peculiar feeling that the great and sovereign state itself was present in the room. To him all the toilers in the fields, the mines, the shops, seemed present in spirit; they had set that place apart as their altar of justice; they had deputed their servants to administer their laws there. Quixotic or not, that sense of the immediacy of all the people of our great state made your grandfather a marked man in court, and touched every word he said with sublimity and meaning.

It is an intolerable thing that a gaping rabble should be admitted to the trial of the so-called sensational

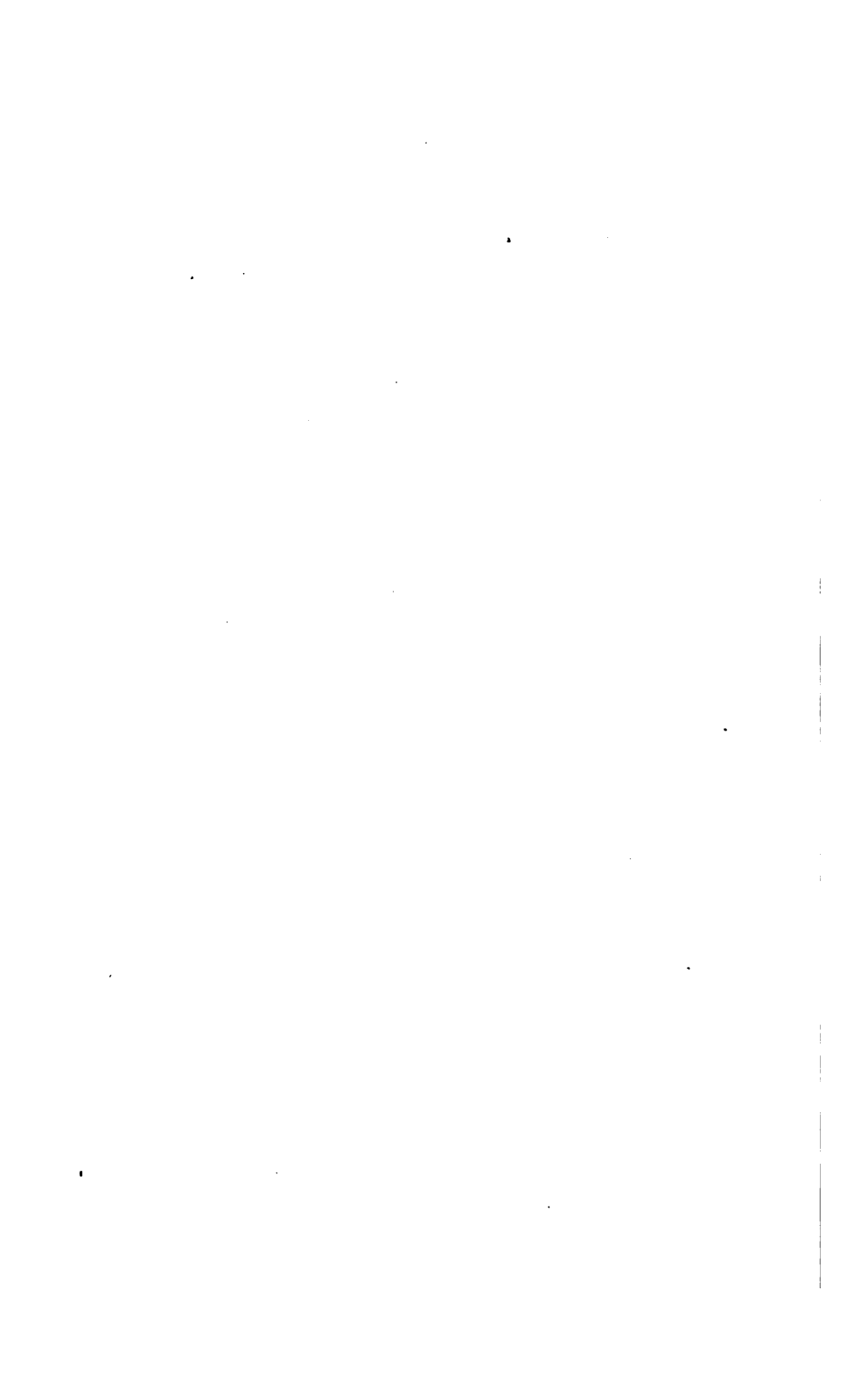
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cases. Creatures of that kind are to us what the lovers of the gladiatorial arena were to the ancient Romans. They come into the courtroom sniffing for blood, and hoping to be amused and regaled by the tears and woes of hapless sufferers. How they lick their foul muzzles when some shrinking woman tells of her ruin and abandonment, or an aged parent confesses the disgrace of his only son! The courts must be open to the public, yet it is a shame and a pity that such a right should be abused by a lot of curious spectators, whose conduct and presence confuse the witnesses, frequently bias the jurors' minds, and destroy the whole solemnity and dignity of a judicial proceeding.


There is no apparent remedy for this, yet it becomes more than ever

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the imperative duty of every lawyer present to so comport himself with becoming gravity and due regard to the proceedings as to rebuke and correct the attitude of the careless and thoughtless spectators.



LETTER XV

 HERE is no fixed scale of fees for lawyers. In some places the people have been trained to pay more for their legal advice than in others. This is particularly true of pioneer places. What you may charge one hundred dollars for in an Alaskan mining town, you may have to do for twenty-five dollars on the Pacific coast and ten dollars back in Pennsylvania.

While I do not like to regard the profession of law as a business merely, I am compelled to admit that the laws of supply and demand govern prices in that sphere of activity as well as in selling shoes or overcoats.

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The little village in Pennsylvania will have its full quota of lawyers, while in an Alaskan mining camp the lawyer will find himself for once a rare bird, and a gentleman whose services are much sought. With the later settling down of the mining town, however, and the influx of business and professional men, prices of all things, merchandise and professional services alike, will of course sag.

In determining the amount of your fees, you must generally be governed by the prevailing amounts charged. There are exceptional men who can come into a small-pay community and demand and receive their own scale of prices. To do that successfully you must be an able and experienced lawyer. If you charge twenty dollars more than your neighbor does, you

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must be prepared to render so much more value than he does.

Remember that absolutely reliable and honest legal advice, the advice upon which a man may act immediately and safely, is hard to obtain, even in a community where there are many lawyers, and the man who renders such advice will soon find himself in a position to charge almost what he pleases. You may hear men say that Brown will charge them twenty-five dollars for a matter Jones will handle for five dollars; but then they know that Brown will secure their rights, and, if there are any complications, he will more than earn the extra amount paid.

Of course, in your pleadings you may petition the court for almost any amount, knowing pretty well that it

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is almost sure to be reduced. If you think you are entitled to all that you ask for, and expect to make a fight to secure it, you must come into court prepared to offer evidence of the reasonableness of the fee asked for.

In this connection, I am reminded of a case I once had in which I desired to oppose the granting of the amount of attorney's fee counsel for the opposite side was praying for. A promissory note was being sued upon against my client, and, while we had no defense to the action, I considered that the fee asked for in the complaint was most unreasonable. The note provided for a reasonable amount as attorney's fee in case of collection, rather than a stated sum. Court opened at half past one in the afternoon; but, as this was a small

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matter, we agreed that it should be heard by the judge at one o'clock.

I was an inexperienced youngster in those days, and drifted into court with a few nicely worded phrases on the injustice of fining my client so exorbitant a sum for collection. I noticed at that time that there were two or three lawyers hanging around the courtroom, and, if I had been thoroughly awake, I should have known that no business of their own brought them to court half an hour before its opening. I soon found out what their functions were. As soon as I entered my more or less forcible objection to the fee, counsel suggested that the court advise himself what the prevailing custom was in that jurisdiction by consulting the attorneys in the room.

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We had a visiting judge, and he was glad of that method of determining the question. Even then I did not catch on, but thought these wandering lawyers were all disinterested. I did not think so when every mother's son of them swore emphatically that my opponent's demands were extremely reasonable, and that they always got that much themselves, and one of them ingenuously volunteered the information that he once obtained a fifty dollar attorney's fee on a three hundred dollar note. Of course, I should have asked that the matter be continued, when it was proposed to take testimony, so that I might have a chance to get some help for my side of the question; but, like the good things you might have said in your after-dinner speech, it did not

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occur to me until it was too late. I mention this, so that you will not go into court unarmed to ask for or oppose an attorney's fee.

There is not much danger of overcharging a client. You have to wait long enough for the average fee to warrant your sticking a little on at the end for interest.

The young lawyer is doomed to do a lot of what might be called charity work. The shady case, that has been on a continuous circuit of law offices for the past ten years, will certainly drift into your hands soon after you are established. People will rush to you for advice, and you, scenting some paying litigation, will open your heart and your lips, only to receive their promises of bringing the matter to you if it develops into a case. If it

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ever does become a cause of action, you will see it listed in the court bulletin under the name of some older and more pretentious lawyer than yourself.

Of course, all your friends will have to be taken care of for old time's sake. This would not be so bad, if, when they got a real case, they would bring it into your office, instead of giving it to an older and better known attorney. They will graft the small things of the law off you, but they won't trust you when it comes to real money. Human nature, and the same spirit that sends the sick man to some gray-headed old fraud, rather than a bright and capable youngster!

In the days when there were fewer lawyers than there are now, the contingent fee was not regarded as

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strictly proper. To-day you will simply have to accept cases upon the contingent fee basis, because there are too many lawyers who will, if you won't. The contingent fee has become a habit with the litigating public, and they claim it as if it were almost a right. It has this in its favor, however, that when you do win such a case, you usually get a whole lot more money than your services were actually worth. Then, again, in many cases it is a matter of necessity. The poor client may not have a cent, and may have a perfectly righteous cause. It is your duty to prosecute that man's suit, and it is also your duty to do so without plundering him if you win.

One thing you should do wherever possible. Get the necessary filing fees

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and immediate costs from a client. Train them to put up enough to file the complaint with the county clerk. They will not be so likely to run off and take their case to another man; and; furthermore, you would soon become bankrupt if you tied up all your ready money in advanced fees for your clients.

LETTER XVI



DO not think, because you are in what is known as a "code" state, that you can be slipshod and careless in the matter of your pleadings with impunity.

I have had considerable experience with what is known as the common-law pleadings and also the code pleadings, and I am satisfied that the code system or method is superior to the old. Many of the old-time lawyers are devotees of the old-style pleadings. That is natural, and is just the attitude of all human nature towards the new thing which experience and antiquity have not yet authorized.

Code pleading is the child of com-

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mon-law pleading, and to properly use and understand the child you must be first well grounded in the knowledge of the parent. For this reason I think that your Dean does well in training the men carefully in the forms and practices of the old pleadings.

We owe code pleading to the English lawyers, who, of course, more than any others, were grounded in the old forms. The modern method is a splendid refutation of the charge that lawyers themselves are not progressive, and will only act when the lay pressure becomes too strong for them to resist.

The common law tended to make a man an exact pleader. The trouble was that it penalized a client for the mistake of his lawyer. When the

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lawyer started to prepare his case, he had first very carefully to select the form of his case. It seems there was what you might call a jacket or envelope for all the known actions, and to stick a cause into the wrong jacket was to be thrown out of court. So the lawyer would very carefully dress his case up and bring it anxiously into court.

Immediately it would be subject to close scrutiny. The opposing lawyer would go over it, aided and abetted by an intelligent court, and if a button was found missing, or the cause had on the wrong-colored coat, or the trousers were too short, there was a great halloo and hurrah, and the poor cause of action was summarily evicted. It was sent back to the legal tailor, who altered a garment here

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and there and once more anxiously brought it forth for inspection. And so the process would be repeated over an interminable time, until finally all the formalities were complied with. The tailoring was found perfect, and the issue itself finally began to receive a tardy consideration.

The Code abolishes these ancient and iron-clad forms, and requires that you state every cause of action in plain, simple, and concise language. This is as it should be. But, in the seeming laxity and easiness of such pleading, the lawyer is often entrapped into loose methods of pleading, which will defeat his cause as surely as if under the old system he had pleaded the wrong form.

The modern pleading frequently brings a complaint into court smoth-

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ered in verbiage, clogged and cloaked with matters of evidence, conclusions of law, and general remarks of perhaps general literary interest, but certainly out of place in a pleading at law, very much suggestive of an overdressed and over-ornamented woman. Then follows a still hunt for the issue, which is known to be lurking somewhere in the depths of that literary foliage.

Everybody joins in the search. Opposing counsel sits up nights, rummaging through the mess, hoping that some lucky flash of insight will reveal the real trouble. The judge takes it into his chambers, patient man that he is, and pores and ponders over it till the gray shades of morning filter through the blinds. The original pleader meanwhile sleeps the

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sleep of the just, feeling that he has done his whole duty, and is a much aggrieved individual when the court finally sustains the motion of his opponent to make the complaint more definite and certain.

This is all wrong. The pleader should let his issue come before the court like a maiden, modestly and sufficiently clad with necessary allegations to enable her to face a crowded court without blushing and without fearing the critical inspection of her enemies.

The good pleader is a craftsman of the first class. How he loves to chisel each sentence! How he likes to fit each word into a perfect groove, until he has built a simple, but substantial, casket for his cause. Not a word misplaced; not a line of unnecessary

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matter. A perfect pleading makes good reading matter for even a layman, and fills the lawyer with admiration for the skill and craft which he can discern therein revealed.

When you see a mussy, sloppy paper, full of typographical errors, and miserable third-rate typewriting work, you may feel pretty sure that there is a forest of verbiage and a whole lot of unskillful pleading accompanying it.

Labor at your typewriter, if you cannot afford a stenographer, until you can make a decent paper. Do not sign your name to a pleading that is not as nearly perfectly typewritten as you can get it. Remember it is your representative in a peculiar way.

The workman speaks through his work, and your work will from time

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to time come into the hands of prominent and successful lawyers, and will also be closely scanned by learned and distinguished judges, not to mention the host of smaller fry, such as clerks and so forth, through whose hands each pleading must pass. There is a personality even in the mechanical work of the pleadings, and an experienced clerk can tell by merely looking at the form of a complaint from which law office it has come.

I have known lawyers careless in person and manners, yet who would rewrite a whole typewritten page of pleading if by chance they made one small error in the writing. There is a suggestion of superiority in a good, clean, correct page that never fails to impress the counsel upon whom it is served. On the other hand, the law-

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yer who receives a dirty, carelessly written sheet, feels somehow that he is going to meet a third-rate lawyer in combat, and adjusts his mental attitude accordingly.


Of course, he is frequently mistaken in this; but it is an example of that peculiar psychological fact that we are impressed unfavorably by a carelessly or sloppily dressed man, and favorably impressed by a very inferior man who is well and neatly attired.

Let all your stationery be neat. A good plan is to have your letter head, your corner card on your envelopes, and your business card of a uniform type and style of printing. Have the printer show you his samples in this line, and do not be ashamed to imitate the style of a first-class lawyer, when

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it appears to be the perfection of neatness. These all are little things; but life is composed of small matters, and proper attention to the lesser insures success and satisfaction in the greater.

LETTER XVII

 ONE of the attractions of the practice of law is the pleasurable feeling that some day you may find a good wind-fall that will make you rich overnight. In this respect the practice of law has all the zest and excitement of prospecting for gold. You never know but that over the next hill, or in the next gulch, a fortune may be lurking, just waiting for you to stumble upon it. Your door may open any day, and somebody creep in with a cause of action that will be worth thousands of dollars to you. From the life of an anchorite and the diet of an ascetic, you may suddenly find yourself arrayed in purple and fine linen and

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dining like Dives in the height of his prosperity.

They may not know it, but this is just the reason that keeps many a good man plodding hopefully along through dusty years of near-poverty. Your good luck may come to you in strange ways, in ways you will not at first recognize, and you may even shut the door in its face. Let me illustrate:

One day I was sitting in my little office wondering how I was ever going to get enough money to marry your mother and do all the things I wanted to do. The door had just closed on the agent for the building, who had come to remind me that the rent was a month in arrears; a fact that I was unfortunately only too well aware of.

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This agent was a mighty decent chap. He explained, however, that he had reached the point where he could not carry any more of these infant industries, as he called them, on his rent roll. He said he had carried a young architect for over a year, hoping that the tide would turn and he would be able to pay the rent. Two or three young dentists had worked out their indebtedness by filling his teeth, and a young doctor had won the right to a month's office rent by attending the agent's child with the measles. But the management were shouting for their dividends, and all these young professional men must pay their rent or be requested to leave.

The prospect was gloomy, very gloomy. I was too worried to study,

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and got up and paced up and down the floor, jingling together the two large silver dollars that represented my entire earthly fortune.

It was getting towards evening, and I could hear the doors banging in the corridors and the feet of the clerks hurrying by to their homes and their evening's amusement. I almost envied them their contentment and their certainty of a weekly salary.

There was a shuffling of feet outside my door, and a dark shadow wavered in front of the frosted pane a moment as if making up its mind whether to come in or not. Evidently it decided to take a chance, for the door was timidly opened and a man entered. He was an old man with a puffed and dissipated face, and a straggling gray moustache dyed

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brown with tobacco smoke. He was seedily dressed, and an old, battered black hat was drawn forward over a pair of shifty, watery, gray eyes. He bade me good afternoon in the thick, heavy tones of the habitual drinker, and asked if he might sit down. For awhile he sat with one long thin leg crossed over the other, rolling a cigarette between the gnarled and twisted fingers of a man accustomed to years of hard labor. For a minute neither spoke; then he said abruptly:

"I am a black sheep."

There was no particular comment to make on this, so I merely looked sympathetic, mentally deciding that I was going to be bored and properly tired out with some long windy rigmarole to the effect that he could not collect a couple of dollars wages due

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him. My visitor became more autobiographical.

"Looking at me now," he said thickly, waving his cigarette as if to disperse the smoke thoroughly over the room, "you would not think I had been to Harvard, would ye? Well, I was. I was at Harvard College three days, and I didn't do nothin' but play poker. Finally I cleaned up two hundred dollars and went home, an' says, 'Father,' says I, 'I can't stay up to college; there's too much cards there.' So I quit."

Then he had an afterthought. "But ye see," he said proudly, "I had to have some eddication in the first place to get there, didn't I?"

From that he went on to tell me how his grandfather was a rich man back in Pennsylvania; how he loved

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this man, my visitor, as a child; how he called the boy to his bedside and told him that, if he were only ten years older, he would leave the brewery to him; and how on many bitter nights my visitor had wept, thinking what he had missed by not inheriting the brewery.

Finally, getting down to business, he told me that the grandfather had left a big estate to his son, my visitor's father, with the provision that the residue of the estate was to descend to the issues, as he called the children, of his father. "And," he concluded, pointing to his tobacco-stained vest, "I am one of the issues."

I questioned him a little, and began to get interested. I found that he had been advised by the lawyers back there that his share of the father's

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estate was seven thousand dollars and that the money was waiting in the bank for his order. Would I make the order out and attend to it for him? He believed in helping young lawyers, as he had a brother who was a young lawyer once, "and," he added, "young lawyers aren't old enough and wise enough to be as crooked as the old ones always are."

If I got the money for him, he would give me five hundred dollars. I could trust him, he said. Everybody called him "Honest Tim," and he would go twenty blocks to pay a man a dollar if he owed him.

Well, I wrote out an agreement whereby he was to hire me to collect the money and was to pay me five hundred dollars on the successful collection of the legacy. Would Honest

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Tim sign the agreement? He certainly would. He sat at my desk and laboriously scratched a capital T. Then he stopped and laid the pen down.

Without blushing the old reprobate looked up and said: "Before I sign this, I got to have five dollars to tide me over till Monday. Just got to have it."

I was not surprised—just a little saddened to find my suspicions well founded. A clever bum was Honest Tim, all right. "No," I had no five dollars to lend him. "Well, three dollars will do." "No." "Well, then, two dollars." I was getting impatient, and was wondering whether to throw him out, or be polite and just ask him to leave.

Then he started talking again, and

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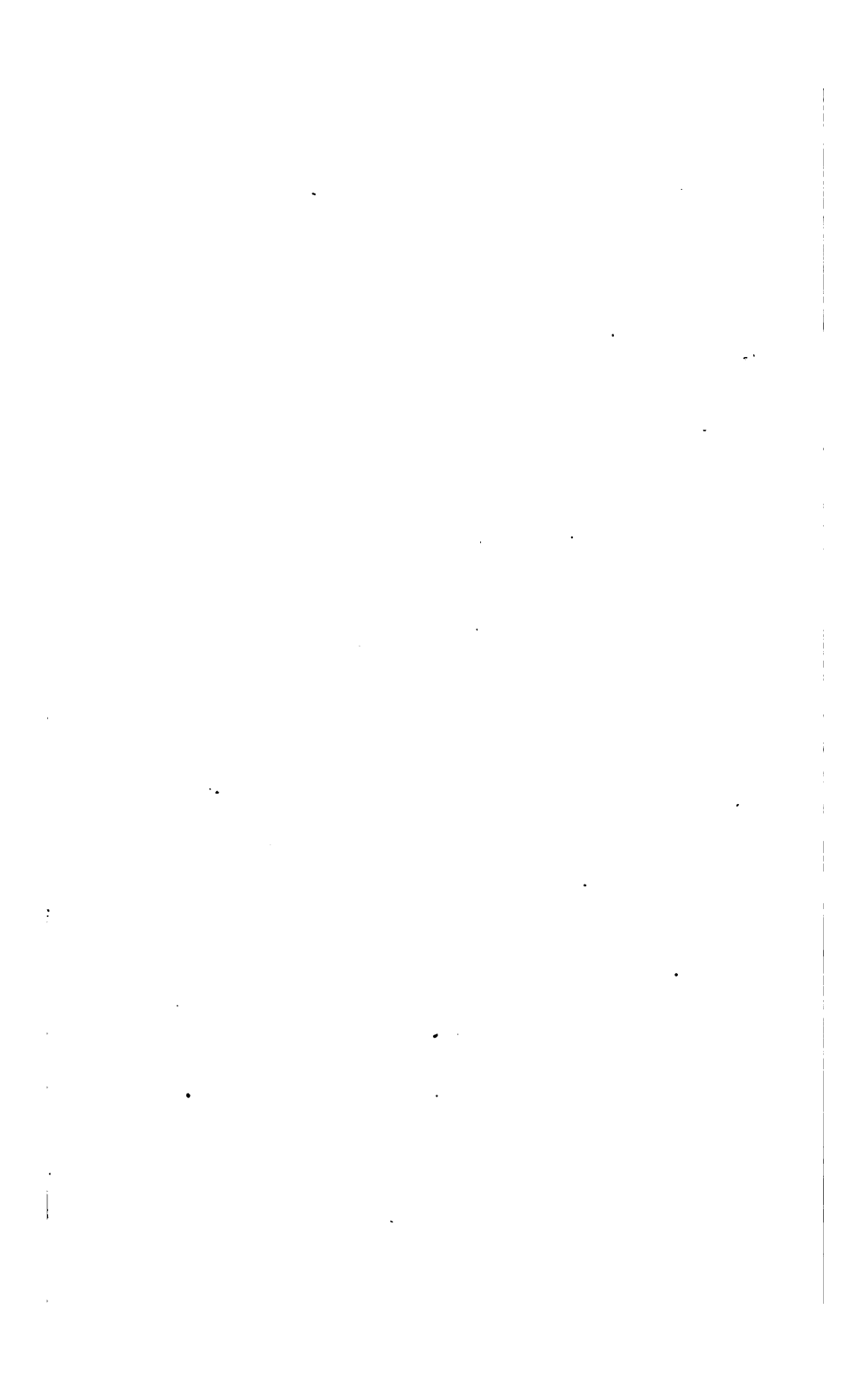
finally something or other hypnotized me, and I parted with all my money for Tim's signature. Then I had to go and borrow enough to buy my supper. When Tim had gone, I blamed myself for a gullible fool, and seriously thought of asking a lunacy commission to determine my fitness to conduct my own affairs.

I wrote a letter to the lawyers he named, and they replied they did not know him. I forgot all about the matter until a week or two later, when a trust company wrote me that they had seen my letter to the Pennsylvania lawyers and assured me that Tim had the money coming to him. Judge of my surprise when I found Tim's legacy was seventeen thousand dollars, instead of seven thousand.


Tim was honest, all right, for I

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made one thousand five hundred dollars out of that deal, and later, when Tim died of chronic alcoholism, I made a good fat fee probating his estate. You never know; and you see, my boy, sometimes it pays to take a chance. I nearly turned gray when I thought how close I had come to throwing Tim and a fortune out of my office door together.



LETTER XVIII

 YOU will almost of necessity have to practice some criminal law. As a young lawyer, the court will, out of the largeness of his heart and the memory of former days, appoint you to defend pauper criminals. For this the county will pay you some small fee. You will get some good trial experience out of it, which will prove more valuable than the immediate monetary remuneration.

Whenever possible, you should willingly accept such cases, and give your client the benefit of your best advice. You need not feel that you are helping the guilty to defeat the ends of justice. You will find on the

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trial that the police officers will very ably look after the interests of the state. Every man should be given a fair and impartial trial, and you are doing no less than your sworn duty when you see that in points of evidence and law a man, however guilty, does not suffer injustice.

In some jurisdictions the penalty is reduced when the criminal pleads guilty to the charge and spares the county the expense of the trial. I am not heartily in favor of putting a premium upon confessions, because an innocent man, against whom the evidence is almost overwhelming, may fear to suffer the severer punishment resulting from trial and conviction. Where such is the practice, you should satisfy yourself thoroughly that the prisoner's story warrants the

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serious consideration of the twelve jurors.

Do not aspire to be a big criminal lawyer. No man can be truly eloquent who feels that his client is guilty and worthy of punishment. The successful criminal lawyer frequently is an adept at the creation of evidence. He will manufacture alibis, bribe witnesses and jurors, and stop at nothing to clear his man. You see, he is in the business of aiding guilty men to escape their just deserts, and in more ways than one is frequently a partner in crime with them. Flee such business as you would the bubonic plague.

Of course, there is frequently big money in defending criminals, but do not allow that to tempt you. Be content to plod along as a plain, honest

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lawyer, content to await the surer and better rewards that come in a good clean practice.

Keep down your fixed charges. Be content to hire a small and cheap office to start with. Do not buy your office furniture on the installment plan, in order to gain a lot of cheap showy stuff. It may mortify you to see a van back up to your door some day and cart the stuff ignominiously away for failure to pay the installment.

Some men think that they must put on lots of show to get business, not only in the law, but in dentistry and medicine. Highly ornate quarters are the hallmark of the fake. Some offices I have been into have cheap, highly varnished desks, the drawers of which will not work without

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screeching like lost souls. The carpet on the floor is of so brilliant a hue and pattern as to suggest a rajah's dream. Such carpets are a long time being worn smooth by the feet of clients.

Snoop around the second-hand stores. Pick up your articles of furniture here and there. Do not mind if they are a little time-stained and worn. A mellow suggestion of age and venerableness is a fitting atmosphere for a law office.

In your dress be moderate and modest. Do not dress like a race-track tout. I do not want you to dress professionally, nor to cultivate a professional air. Leave Vandyke beards and other indicia of trade to our friends the doctors. Modesty in dress and bearing make a favorable

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impression on everybody. You may not think it, but with all our commercialism and up-to-dateness, the young lawyer is watched pretty closely, and men have certain standards for him of dress and conduct and manners which he is expected to observe.

Do not smoke during office hours. Remember it is offensive to lots of people, and very impolite to expect ladies to enter a room that resembles the smokehouse of a packing plant. Now, the cigarette is probably harmless enough; but there is a pronounced disapproval of its use in this country, and while I do not believe in a man's truckling to public sentiment in matters of weight or principle, where he feels he ought honestly not to, still in the matter of light pleasures it is more noble to conform than to revolt.

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Join one or two good orders, if you think you would enjoy that form of social recreation. The lodge room is worked to a frazzle by lawyers in search of business. Don't think by joining the Crows, for instance, that you are going to get a big rush of clients. You will find nearly half your brethren are lawyers or doctors in quest of dollars.

Still, it is wise to join some insurance order, take out a little insurance, and make friends. The lodge is a good thing, and profitable in many ways, if indulged in judiciously. If you are going to be a politician, you should start systematically to collect a string of obligations and signs and grips enough to make you at home with any man in any place.

Don't join the church for business

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reasons. Keep one place where you can come and go in absolute sincerity. Enter the church where you feel most conformity with its 'doctrine. Even if you cannot subscribe to all the articles of its creed, make a practice of joining in some form of public worship each week. The proper observance of Sunday has kept many an overstrained mind from insanity.

If you must drink to obtain business, forego the business. You will be solicited by all sorts and conditions of men to join them in drinking, and they will feel offended if you refuse—but refuse. Don't think they will respect you more for not drinking. Not they. The psychology of the drinker's mind is this: He wants to see all men share his weakness, and hates the silent disapproval implied in a re-

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fusal to join him. If it is a choice between the enmity of drink and the enmity of the man whose hospitality you refuse, take the lesser and eschew the insidious, far-reaching destructiveness of drink.

Be decent. Be studious. Be prepared for any legal emergency. Be honest in your advice and all your dealings. Demonstrate to the world that an honest lawyer is a possibility, even if it puts you on a cracker-and-cheese diet for ten years.

If you are in love, get married as soon as you can get enough to pay for the license. Don't try to carry on a strenuous love affair and build up a law practice at the same time. It would kill Hercules.

